

Arrest on Out-of-District Offense

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG 20 AM 9: 22

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ARREST ON OUT-OF-DISTRICT OFFENSE

BY YUH DEPUTY

Magistrate Case Number: **'08 MJ 2563**

The person charged as Rodrigo CARRILLO-Ortiz now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Western District of Kentucky with conspiracy to possess with intent to distribute (2), conspiracy, aid and abet, forfeiture, in violation of Count 1: 21 USC 846, 21 USC 841(b)(1)(B), Count 2&4: 21 USC 841(a)(1), 841(b)(1)(B), 18 USC 2, Count 7: 18 USC 924(d), Count 8: 28USC 2461, and 21 USC 853.

The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 8/20/08



SA Julia Gerard, ICE

(Name)

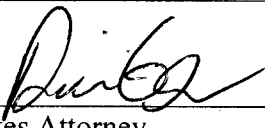
~~Deputy United States Marshal~~

Reviewed and Approved:

Dated: 8/20/08

Dominic E. Kardum

Assistant United States Attorney



POA
8/19/08
UH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rodrigo CARRILLO-Ortiz,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 846 & 841(b)(1)(B)

21 U.S.C. § 841(a)(1) & 841(b)(1)(B)

18 U.S.C. § 2

18 U.S.C. § 924(d)

28 U.S.C. § 2461


21 U.S.C. § 853

The undersigned complainant being duly sworn states:

The accused Rodrigo CARRILLO-Ortiz, now presented before The Honorable Barbara Major, United States Magistrate Judge, Southern District of California, for arraignment and fixing of bail, has been charged by complaint signed by a District Court Judge in Western District of Kentucky, issued on July 16, 2008, with the offense of conspiracy to possess with intent to distribute and distribution of marijuana, possession with intent to distribute marijuana; aid and abet, and two counts of forfeiture in violation of 21 U.S.C. § 846 & 841(b)(1)(B), 21 U.S.C. § 841(a)(1) & 841(b)(1)(B), 18 U.S.C. § 2, 18 U.S.C. § 924(d), 28 U.S.C. § 2461, and 21 U.S.C. § 853.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

The arrest warrant was issued on July 16, 2008.


Julia Gerard
Special Agent
Immigration & Customs Enforcement
Affiant

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th DAY OF August 2008.

U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Julia Gerard, declare under penalty of perjury, the following is true and correct:

I am a Special Agent with the United States Immigration and Customs Enforcement and have been asked to assist in an out of district matter from the Western District of Kentucky involving the prosecution of Rodrigo CARRILLO-Ortiz.

I make this affidavit in lieu of a complaint filed in the Western District of Kentucky on July 16, 2008. The complaint and arrest warrant issued on July 16, 2008, was directed at an individual denoted as Rodrigo CARRILLO-Ortiz.

On August 19, 2008, at approximately 10:00 a.m., Rodrigo CARRILLO-Ortiz attempted to enter the United States at the San Ysidro Port of Entry. CARRILLO-Ortiz presented himself for inspection at Lane #19. CARRILLO-Ortiz was the driver and sole occupant of a blue Acura bearing California license plate 6AZP746. CARRILLO-Ortiz presented his California Identification Card to the primary inspector and stated he is a United States citizen. The primary inspector queried CARRILLO-Ortiz's name in his computer and the received a computer generated alert stating CARRILLO-Ortiz was wanted for an outstanding felony warrant. CARRILLO-Ortiz was sent to the security office.

In the security office, a pat down of CARRILLO-Ortiz yielded negative results. The secondary officer requested a copy of the arrest warrant from the Agent handling CARRILLO-Ortiz's. The arrest warrant and a picture of CARRILLO-Ortiz was faxed to the secondary officer. CARRILLO-Ortiz's identification was confirmed based on the arrest warrant and picture of the defendant sent by authorities in the Western District of Kentucky.

1 At approximately 5:00 p.m., CARRILLO-Ortiz was processed and transported to the
2 Metropolitan Correctional Center pending his initial appearance before a U.S.
3 Magistrate Judge in San Diego, California.

4 Executed on August 20, 2008, at 0900 hours

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7 Julia Gerard, Special Agent
8 U.S. Immigration & Customs
9 Enforcement
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SAO 442 (Rev. 08/07) Warrant for Arrest

UNITED STATES DISTRICT COURT

WESTERN

District of

KENTUCKY

UNITED STATES OF AMERICA

V.

WARRANT FOR ARREST

RODRIGO CARILLO ORTIZ
3881 Tamarron Circle, Apt. 202
Memphis, TN

Case Number: 1:08CR-9-R

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest RODRIGO CARILLO ORTIZ
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

- ☒ **Superseding**
☒ Indictment ☐ Information ☐ Complaint ☐ Order of court
☐ Pretrial Release ☐ Probation ☐ Supervised Release ☐ Violation Notice
☐ Violation Petition ☐ Violation Petition ☐ Violation

charging him or her with (brief description of offense)

Count 1 - 21:846 & 841(b)(1)(B) - Conspiracy to Possess with Intent to Distribute and Distribution of Marijuana
 Counts 2 & 4 - 21:841(a)(1), 841(b)(1)(B), and 18:2 - Possession with Intent to Distribute Marijuana; Aid and Abet
 Count 7 - 18:924(d) and 28:2461 - Forfeiture
 Count 8 - 21:853 - Forfeiture

- ☐ in violation of Title _____ United States Code, Section(s) _____
☐ in violation of the conditions of his or her pretrial release imposed by the court.
☐ in violation of the conditions of his or her supervision imposed by the court.

E. ROBERT GOEBEL

Name of Issuing Officer

UNITED STATES MAGISTRATE JUDGE

Title of Issuing Officer

Lelia Nurlong, Deputy Clerk
 Signature of Issuing Officer (EBOC)

07/16/2008

Bowling Green, KY

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named individual at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

FORM DBD-34
JUN 85

No. 1:08CR-9-R

UNITED STATES DISTRICT COURT

Western District of Kentucky
Bowling Green Division

THE UNITED STATES OF AMERICA

vs.

DONALD WAYNE NICHOLAS

TINA BURRELL

JUAN NAPOLEAN SALGADO

RODRIGO CARILLO ORTIZ

ROBERT BLYTHE

SUPERSEDING INDICTMENT

Title 21 U.S.C. §§ 846; 841(b)(1)(B); 841(a)(1);
853;

Title 18 U.S.C. §§ 2; 922(g)(1); 922(d); 924(a)(2);
924(d);

Title 28 U.S.C. § 2461:

Conspiracy to Possess With Intent to Distribute
and Distribution of Marijuana; Possession With
Intent to Distribute Marijuana; Aiding and
Abetting; Possession of a Firearm by a
Convicted Felon; Transfer of a Firearm to a
Convicted Felon; Forfeiture.

A true bill.

Foreman

Filed in open court this 18th day, of July A.D. 2008.

Clerk

Bail, \$

FILED
DISTRICT CLERK
WESTERN DISTRICT OF KY
2008 JUL 16 PM 12:09

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN

FILED
DISTRICT COURT CLERK
WESTERN DISTRICT OF KY
2008 JUL 16 PM 12:09

UNITED STATES OF AMERICA

SUPERSEDING INDICTMENT

vs.

NO. 1:08CR-9-R

21 U.S.C. § 841 (a) (1)
21 U.S.C. § 841 (b) (1) (B)
21 U.S.C. § 846
21 U.S.C. § 853
18 U.S.C. § 922
18 U.S.C. § 2
18 U.S.C. § 924
28 U.S.C. § 2461

DONALD WAYNE NICHOLAS
TINA BURRELL
JUAN NAPOLEAN SALGADO
RODRIGO CARILLO ORTIZ
ROBERT BLYTHE

The Grand Jury charges:

COUNT 1

From in or about June 2006, until on or about June 28, 2007,
in the Western District of Kentucky, Warren County, Kentucky, and
elsewhere, the defendants, DONALD WAYNE NICHOLAS, TINA
BURRELL, JUAN NAPOLEAN SALGADO, RODRIGO CARILLO ORTIZ, and ROBERT
BLYTHE knowingly conspired with each other and others known and
unknown to the Grand Jury, to knowingly and intentionally possess
with the intent to distribute and distribute 100 kilograms or

more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance as defined by Title 21, United States Code, Section 812, in violation of Title 21, United States Code, Section 841(a) (1).

In violation of Title 21, United States Code, Sections 846 and 841(b) (1) (B).

The Grand Jury further charges:

COUNT 2

In or about May 2007, in the Western District of Kentucky, Warren County, Kentucky, and elsewhere, the defendants, DONALD WAYNE NICHOLAS and RODRIGO CARILLO ORTIZ, aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally possess with the intent to distribute 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance as defined by Title 21, United States Code, Section 812.

In violation of Title 21, United States Code, Sections 841(a) (1), 841(b) (1) (B), and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNT 3

On or about June 4, 2007, in the Western District of Kentucky, Warren County, Kentucky, the defendants, DONALD WAYNE NICHOLAS, JUAN NAPOLEAN SALGADO and ROBERT BLYTHE, aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally possess with the intent to distribute 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance as defined by Title 21, United States Code, Section 812.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNT 4

On or about June 20, 2007, in the Western District of Kentucky, Warren County, Kentucky, and elsewhere, the defendants, DONALD WAYNE NICHOLAS, JUAN NAPOLEAN SALGADO and RODRIGO CARILLO ORTIZ, aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally possess with the intent to distribute 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance as defined by Title 21, United States Code, Section 812.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNT 5

On or about July 12, 2005, in the Western District of Kentucky, Warren County, Kentucky, the defendant, DONALD WAYNE NICHOLAS, being a person who had been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit:

On November 3, 1995, DONALD WAYNE NICHOLAS was convicted of criminal distribution of marijuana, over 1 ounce, a felony, in case number 4428968, in the Norwalk division of the Los Angeles, California, Superior Court;

knowingly possessed, in and affecting commerce, a firearm, to wit:

- a Beretta Model 92FS pistol, serial no. BER382902
- a Remington Model .308 MAS 700 rifle, serial no. F6289718
- a Winchester Model 70 .243 rifle, serial no. G3037112
- a Winchester Model 1300 12 gauge shotgun, serial no. L3526527
- a Remington Model 700 rifle, serial no. E6611663

- a Smith & Wesson Model SW1911 pistol, serial no. JRF3068
- a Glock Model 23 .40 cal pistol, serial no. HNZ245
- a Para Ordnance MFG Model-Limited pistol, serial no. P150545
- an FN Herital Model Five-Seven pistol, serial no. 386140177

In violation of Title 18, United States Code, Section 922(g)(1), and 924(a)(2).

The Grand Jury further charges:

COUNT 6

On or about February 7, 2008, in Warren County, Western District of Kentucky, the defendant, TINA BURRELL, knowingly disposed and transferred a firearm, that is a Beretta Model 92FS pistol, serial no. BER382902, to defendant, Donald Wayne Nicholas, knowing and having reasonable cause to believe that Donald Wayne Nicholas had been convicted of a crime punishable by imprisonment for a term exceeding one year.

In violation of Title 18, United States Code, Sections 922(d) and 924(a)(2).

The Grand Jury further charges:

COUNT 7
(FORFEITURE)

As a result of committing an offense in violation of Title 18, United States Code, Section 922(g)(3) and 924(a)(2), as alleged in Counts 5 and 6 of this Superseding Indictment, the

defendants herein, DONALD WAYNE NICHOLAS, TINA BURRELL, JUAN NAPOLEAN SALGADO, RODRIGO CARILLO ORTIZ, and ROBERT BLYTHE, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461, all firearms and ammunition involved in or used in any knowing violation of any subsection of section 922, any willful violation of any other provision of Chapter 44, or any rule or regulation promulgated thereunder, and any violation of any other criminal law of the United States, including but not limited to the following:

- a Beretta Model 92 FS pistol, serial no. BER382902
- a Remington Model .308 MAS 700 rifle, serial no. F6289718
- a Winchester Model 70 .243 rifle, serial no. G3037112
- a Winchester Model 1300 12 gauge shotgun, serial no. L3526527
- a Remington Model 700 rifle, serial no. E6611663
- a Smith & Wesson Model SW1911 pistol, serial no. JRF3068
- a Glock Model 23 .40 cal pistol, serial no. HNZ245
- a Para Ordnance MFG Model-Limited pistol, serial no. P150545
- a AN Herital Model Five-Seven pistol, serial no. 386140177

All pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461.

The Grand Jury further charges:

COUNT 8
(FORFEITURE)

As a result of committing offenses in violation of Title 21, United States Code, Sections 846 and 841(a)(1), felonies punishable by imprisonment for more than one year, the defendants, DONALD WAYNE NICHOLAS, TINA BURRELL, JUAN NAPOLEAN SALGADO, RODRIGO CARILLO ORTIZ, and ROBERT BLYTHE shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, proceeds the defendants obtained, directly or indirectly, as a result of said offense, any and all of the defendant's property used, or intended to be used, in any manner or part, including but not limited to:

- 2006 Cadillac Escalade SUV, VIN#: 1GYEC63N96R148847;
- 2004 Dodge Pick-up, VIN#: 1D7HA18N94S715445;
- 2005 Ford F-150, VIN# 1FTRX12W95FA14509;
- Contents of US Bank, Accounts #s: xxxxxx2865 and xxxxxx3103 (approximately \$2319.67);
- 2005 Jeep Wrangler Sport, VIN#: 1J4FA49S85P360774;
- Real property located on or about 1208 Crewdson Lane (acquired by Tina Burrell on or about June 20, 2006 (Deed Book, 930 Page 50)), including all buildings and improvements thereon and appurtenances thereto, and more particularly described as follows:

Beginning at a stake located in the East right of way of Crewdson Lane, said point being 1,065 feet north of Glen Lily road; thence N 16 deg. 40 min. W. 95 feet to at stake; thence in a northeasterly direction 225 feet to a stake; thence S. 16 deg. 40 min. E. 95 feet to a stake; thence S. 71 deg. 27 min. W. 225 feet to the beginning. See Minor Subdivision Plat Book 4, Page 77..

Being the same land conveyed to Kendra Jones, married, by special Warranty Deed from Bank of New York, as Indenture Trustee under the Sale & Servicing Agreement dated as of August 31, 1998 for the Money Store Trust 1998-C, dated April 21, 2006 and recorded in Deed Book 926, Page 122, Warren County Court Clerk's Office. The title source reflected in the above deed inadvertently stated its source of title as Deed Book 928, Page 79, Warren County Clerk's Office. The source of title should have been Deed Book 925, Page 79, in said Clerk's Office.

- Real property located on or about 2900-3000 Louisville, Rd(acquired by Tina Burrell on or about August 2, 2005 (Deed Book 910, Page, 443)), including all buildings and improvements thereon and appurtenances thereto, and more particularly described as follows:

Being Lot 2 as set forth on plat of record in Plat Book 37, Page 124, in the office of the Clerk of the Warren County Court.

This is a portion of the same property conveyed to Rosenfeld/MTB, LLC, by Gary H. Glass and wife, Carolyn J. Glass, by deed dated May 6, 2004, of the record in Deed Book 882, Page 256, in the office of the Clerk of the Warren County Court.

- Real property located on or about 3184 Penns Chapel Road(acquired by Tina Burrell on or about August 12, 2004 (Deed Book 888, Page 255)), including all buildings and improvements thereon and appurtenances thereto, and more particularly described as follows:

A certain parcel of land located near the community of Sand Hill in Warren County, Kentucky, being a portion of Parcel NO. 3 and a portion of Tract NO. 2 of record in Deed Book 828, Page 871, and being more particularly described as follows:

Beginning at a set iron pin in the north right-of-way of Penns Chapel Road (Kentucky Highway 1320), said iron pin being approximately 2640 feet northwest of Roger Cole Road;

THENCE along a curve to the left having a radius of 809-250 feet and an arc length of 111.804 feet, being subtended by a chord of North 75 degrees 24 minutes 46 seconds West for a distance of 111.715 feet, with the right-of-way of the road to a set Iron pin;

THENCE North 41 degrees 03 minutes 41 seconds East for a distance of 115.920 feet, leaving the road and following the line of Doolin (Deed Book 709, Page 695 - Tract No. 2 of Parcel No. 2), to a fence post;

THENCE North 48 degrees 52 minutes 02 seconds West for a distance of 840.355 feet, continuing with Doolin's line, to a set steel post;

THENCE North 34 degrees 00 minutes 30 seconds East for a distance of 759.143 feet, leaving Doolin's line and following a new line of Crump (Deed Book 828, Page 871 - Tract No. 2), to a set iron pin;

THENCE South 55 degrees 59 minutes 30 seconds East for a distance of 253.113 feet, continuing with Crump's new line, to a set steel post;

THENCE South 84 degrees 44 minutes 36 seconds East for a distance of 296.977 feet to a fence post;

THENCE South 87 degrees 42 minutes 26 seconds East for a distance of 357.221 feet to a fence post;

THENCE South 3 degrees 42 minutes 36 seconds West for a distance of 330.933 feet to a set iron pin;

THENCE South 43 degrees 19 minutes 21 seconds West for a distance of 770.525 feet to a set iron pin;

THENCE South 06 degrees 02 minutes 14 seconds East for a distance of 126.441 feet to a set iron pin;

THENCE South 41 degrees 03 minutes 41 seconds West for a distance of 130.000 feet, continuing with Crump's new line and thereafter a new line of Crump through Parcel No. 3, to the point of beginning. All set Iron pins in the above description are 5/8" diameter rebar with a yellow plastic cap stamped "Blakeman PLS 1859 KY" and the bearing source is magnetic. The above described property was surveyed by Bernard W. Blakeman, Jr., with Blakeman's Land Surveying Co., on September 6, 2001

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 20.200 acres more or less.

Being a portion of the same property conveyed to Keith A. Crump and Wife, Martin Crump by Deed dates August 31, 2001 and recorded on September 5, 2001 in Deed Book 828, Page 871 in the Office of the Clerk of Warren County, Kentucky;

to commit or to facilitate the commission of the violations alleged in Counts 1 through 4 of this Superseding Indictment.

A TRUE BILL.

FOREPERSON

A handwritten signature in black ink, appearing to read 'DLH', is written over a horizontal line.

DAVID L. HUBER
UNITED STATES ATTORNEY

DLH:RJK:ab:080703